1	William N. Lobel (CA Bar No. 93202)		
2	wlobel@pszjlaw.com PACHULSKI STANG ZIEHL & JONES L	LP	
3	650 Town Center Drive, Suite 1500 Costa Mesa, CA 92626		
4	Telephone: (714) 384-4740 Facsimile: (714) 384-4741		
5	Special Reorganization Counsel for	- D1	
6	Debtor and Debtor-in-Possession, John Jean	1 Brai	
7	Alan J. Friedman (CA Bar No. 132580) afriedman@shbllp.com		
8	SHULMAN HODGES & BASTIAN LLP 100 Spectrum Center Drive, Suite 600		
9	Irvine, California 92618 Telephone: (949) 340-3400		
10	Facsimile: (949) 340-3000		
11	Attorneys for Debtor and Debtor-in-Possession, John Jean Bral		
12			
13	UNITED STATES	BANKRUPTCY COURT	
14	CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION		
15	*	L G . N 0.17.11.1070/.GG	
16	In re:	Case No: 8:17-bk-10706 SC	
17		Chapter 11	
18	JOHN JEAN BRAL,	DECLARATION OF NANCY LOCKWOOD REGARDING NOTICE OF HEARING ON	
19	Debtor and Debtor-in-Possession.	SHORTENED TIME ON MOTION TO STRIKE BEITLER CREDITORS'	
20		DECLARATIONS AND PORTIONS OF THEIR SUPPLEMENTAL OPPOSITION	
21			
22		[Relates to Docket Nos. 507, 510 and 513]	
23		Hearing Date and Time:	
24		DATE: July 19, 2018 TIME: 11:00 a.m.	
25		PLACE: Courtroom 5C	
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DECLARATION OF NOTICE OF HEARING ON SHORTENED TIME

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- I, Nancy Lockwood, declare as follows:
- 1. I am a paralegal with the law offices of Pachulski Stang Ziehl & Jones LLP (the "Firm") attorneys for John Jean Bral, the debtor and debtor-in-possession in the above-captioned bankruptcy case (the "<u>Debtor</u>"). The following matters are true and correct and within my own personal knowledge and belief, and if called as a witness, I could and would competently testify thereto. I am filing this declaration in support of the *Motion to Strike Beitler Creditors*' Declarations and Portions of Supplemental Opposition (the "Motion") [Docket no. 507].
- 2. On July 13, 2018 at approximately 6:15 I received a telephone call from Jennifer O'Keefe, the Firm's legal assistant, regarding the noticing requirements for the *Order Granting* Application and Setting Hearing on Shortened Notice Regarding the Motion to Strike Beitler Creditors' Declarations and Portions of Supplemental Opposition (the "Order") [Docket no. 513] received via the Firm's electronic notice at or about 6:05 p.m.
- 3. Pursuant to my conversation with Ms. O'Keefe, she had just received an urgent telephone call from Alan Friedman of Shulman Hodges & Bastian LLP, counsel for the Debtor, regarding the noticing requirements imposed by the Order. Ms. O'Keefe was in route to Firm's office to effectuate service.
- 4. Once Ms. O'Keefe arrived at the office, she gave telephonic notice to those parties required by the Order, and as further required by the Order, she sent emails to those parties required by the Order (See Declaration of Jennifer O'Keefe Regarding Notice of Hearing on shortened Time on Motion to Strike Beitler Creditors' Declarations and Portions of Their Supplemental Opposition filed as docket no. 517). (the "O'Keefe Declaration"). Attached hereto as Exhibit "A" is a true and correct copy of the O'Keefe Declaration.
- 5. At approximately 10:15 p.m. on July 13, 2018, I sent to those parties entitled to receive notice as required by the Order a Supplemental Notice of Hearing on Shortened Time on Motion to Strike Beitler Creditors' Declarations and Portions of their Supplemental Opposition (the "Supplemental Notice") and caused the same to be filed on July 13, 2018 [Docket no. 515]. Attached hereto as Exhibit "B" is a true and correct copy of the Supplemental Notice.
 - 6. Pursuant to paragraph 3(b)(3) of the Order, "no later than the deadlines given, written

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notice of the hearing and a copy of this order must be served upon all persons/entities listed using: one of the methods checked." Subsection (A) to paragraph 3(b)(3) of the Order allows for service by email, except to the United States Trustee (electronic notice not permitted) and the Judge's copy must be personally delivered to chambers.

- 7. Pursuant to paragraph 3(b)(4) of the Order, "no later than the deadlines given, a copy of the motion, declarations, and supporting documents (if any) must be served upon all persons/entities listed using: one of the methods checked." Subsection (A) to paragraph 3(b)(4) of the Order allows for service by email, except to the United States Trustee (electronic notice not permitted) and the Judge's copy must be personally delivered it chambers. In our efforts to comply with the Order's 7:00 pm deadline, we failed to note that personal service on the United States Trustee (the "UST") and the Court's chambers was also required by 7:00 pm.
- 8. However, given the shortness of time from when we received notice of the Order, even had we noted the personal service requirements, we would not have had enough time to effectuate personal service on the UST and the Court's chambers by the 7:00 pm deadline as we just barely met the deadline with respect to the email and telephonic service requirements.
 - 9. On Monday, July 16, 2018, we personally delivered to the United States Trustee, the following:
 - a. Motion [Docket no. 507];
 - Request for Judicial Notice [Docket no. 508];
 - Appendix of Unpublished Cases [Docket no. 509];
 - Application for Order Shortening Time [Docket no. 510];
 - e. Declaration of Alan J. Friedman in Support of Application for Order Shortening Time [Docket no. 511];
 - Order [Docket no. 513];
 - Supplemental Notice [Docket no. 515]; and
 - h. The O'Keefe Declaration [Docket no. 517].

Filed 07/17/18 Entered 07/17/18 10:04:07

Page 4 of 18

Case \$:17-bk-10706-ES

Doc 521

Main Document

sent via overnight mail to chambers on July 12, 2018 to be delivered on July 13, 2018.

Doc 521 Filed 07/17/18 Entered 07/17/18 10:04:07

Case 8:17-bk-10706-ES

I, Jennifer O'Keefe, declare as follows:

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- 1. I am a legal assistant with the law offices of Pachulski Stang Ziehl & Jones LLP, attorneys for John Jean Bral, the debtor and debtor-in-possession in the above-captioned bankruptcy case (the "Debtor"). The following matters are true and correct and within my own personal knowledge and belief, and if called as a witness, I could and would competently testify thereto.
- 2. On July 13, 2018, between the hours of 6:40 p.m. through 6:55 p.m., (Pacific Standard Time), I telephoned the parties as set forth below regarding the hearing set on shortened time on Debtor's Motion to Strike Beitler Creditors' Declarations and Portions of Their Supplemental Opposition.
 - 3. The following summarizes the results of my efforts:

Party Contacted	Result	Written Notice, Motion and OST Order
Gary E. Klausner	Left voicemail message on	Via email to gek@lnbyb.com
	the Levene, Neale, Bender	
	Yoo & Brill LLP's general	
	mailbox, as well as a	
	voicemail message on Mr.	
	Klausner's direct mailbox.	
Krikor J. Meshefejian	Left voicemail message on	Via email at KJM@lnbyb.com
	the Levene, Neale, Bender	
	Yoo & Brill LLP's general	
	mailbox, as well as a	
	voicemail message on Mr.	
	Meshefejian's direct mailbox.	
Tom Lallas	Left voicemail message on	Via email at tlallas@lsl-la.com
	the Levy, Small & Lallas's	
DOCS LA:315780.1 10601/001	general mailbox.	

DECLARATION OF NOTICE OF HEARING ON SHORTENED TIME

	8:17-bk-10706-SC Doc 51	ocument Page 8 of 18	07/16/18 11:27:24 Desc	
1	Mark D. Hurtwitz	Left voicemail message on	Via email at	
2		the Levy, Small & Lallas	mhurwtiz@lsl-la.com	
3		general mailbox.		
4	Office of the United States	Left voicemail message on	Via email to	
5	Trustee (" <u>UST</u> ")	the UST's general mailbox.	michael.hauser@usdoj.gov;	
6	/		ustpregion16.sa.ecf@usdoj.gov	
7			1 0 0 0	
8	I declare under penalty of	of perjury pursuant to the laws of	of the United States of America that	
9	the foregoing is true and correct			
10		the foregoing is true and correct.		
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12	Tennifer O'Keefe			
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DECLARATION OF NOTICE OF HEARING ON SHORTENED TIME

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Main Document Page 4 of 5

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

650 Town Center Drive, Suite 1500, Costa Mesa, CA 92626

A true and correct copy of the foregoing document entitled **DECLARATION OF JENNIFER O'KEEFE**

		RTENED TIME ON MOTION TO STRIKE
		PORTIONS OF THEIR SUPPLEMENTAL
		idge in chamber in the form and manner required by
LBR 5005-2(d); and	the manner stated below:	
1. TO BE SERVED	BY THE COURT VIA NOTICE OF EL	ECTRONIC FILING (NEF): Pursuant to controlling General
Orders and LBR, the 7/16/2018, I checke	e foregoing document will be served by d the CM/ECF docket for this bankrupt	the court via NEF and hyperlink to the document. On (<i>date</i>) cy case or adversary proceeding and determined that the
following persons a	re on the Electronic Mail Notice List to i	receive NEF transmission at the email addresses stated below:
		Service information continued an attached nage
		Service information continued on attached page
2. SERVED BY UN	IITED STATES MAIL:	
		tities at the last known addresses in this bankruptcy case or
		nereof in a sealed envelope in the United States mail, first class ge here constitutes a declaration that mailing to the judge <u>will</u>
	er than 24 hours after the document is	
no lat		
		☐ Service information continued on attached page
		AIL, FACSIMILE TRANSMISSION OR EMAIL: Pursuant to
		If the following persons and/or entities by personal delivery, and to such service method), by facsimile transmission and/or
		aration that personal delivery on, or overnight mail to, the judge
	o later than 24 hours after the documer	
		Service information continued on attached page
I declare under pen	alty of perjury under the laws of the Un	ited States that the foregoing is true and correct.
7/16/2018	Nancy Lockwood	/s/ Nancy Lockwood
Date	Printed Name	Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

Case 8:17-bk-10706-ES Doc 521 Filed 07/17/18 Entered 07/17/18 10:04:07 Desc Main Document Page 10 of 18 Case 8:17-bk-10706-SC Doc 517 Filed 07/16/18 Entered 07/16/18 11:27:24 Desc Main Document Page 5 of 5

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

- Thomas H Casey kdriggers@tomcaseylaw.com, msilva@tomcaseylaw.com
- Alan J Friedman afriedman@shbllp.com, lgauthier@shbllp.com
- Daniel K Fujimoto wdk@wolffirm.com
- **Beth Gaschen** bgaschen@wgllp.com, kadele@wgllp.com;vrosales@wgllp.com;cbmeeker@gmail.com;cyoshonis@wgllp.com
- Michael J Hauser michael.hauser@usdoj.gov
- Mark D Hurwitz mhurwitz@lsl-la.com, dsmall@lsl-la.com,kfinn@lsl-la.com
- Gary E Klausner gek@lnbyb.com
- William N Lobel wlobel@pszjlaw.com, nlockwood@pszjlaw.com;jokeefe@pszjlaw.com;banavim@pszjlaw.com
- Kathleen J McCarthy kdriggers@tomcaseylaw.com, msilva@tomcaseylaw.com
- William F McDonald Caecf@tblaw.com, wfm@tblaw.com;snchampney@tblaw.com
- Krikor J Meshefejian kjm@lnbrb.com
- Babak Samini saminicourtnotice@gmail.com, bsamini@saminilaw.com;nprado@saminilaw.com;lnavarro@saminilaw.com;swatts@saminilaw.com
- Edward G Schloss egs2@ix.netcom.com
- Valerie Smith claims@recoverycorp.com
- Daniel B Spitzer dspitzer@spitzeresq.com
- United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov
- Zann R Welch ecfnotices@ascensioncapitalgroup.com

2. SERVED BY OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL:

Via Personal Delivery:

The Honorable Scott C. Clarkson, United States Bankruptcy Court, Central District of California, Ronald Reagan Federal Building and Courthouse 411 West Fourth Street, Suite 5130 (courtesy bin) Santa Ana, CA 92701-4593

Page 10

Doc 521 Filed 07/17/18 Entered 07/17/18 10:04:07

Case 8:17-bk-10706-ES

DOCS_LA:315772.1 10601/001

TO THE OFFICE OF THE UNITED STATES TRUSTEE AND OTHER INTERESTED PARTIES ENTITLED TO NOTICE:

PLEASE TAKE NOTICE that on July 19, 2018 at 11:00 a.m., in Courtroom 5C located at 411 West Fourth Street, Santa Ana, California, the Court is scheduled to hold a hearing (the "Hearing") on shortened notice on the *Motion to Strike Beitler Creditors' Declarations and Portions of Their Supplemental Opposition* (the "Motion") [Docket No. 507]¹ filed by John J. Bral, the debtor and debtor-in-possession in the above-captioned case (the "Debtor").

PLEASE TAKE FURTHER NOTICE that pursuant to the Order Granting Application and Setting Hearing on Shortened Notice with Respect to the Motion (the "Order"), no later than July 18, 2018 at 12:00 p.m., any opposition to the Motion must be (1) filed with the Court; (2) served via email upon William N. Lobel of Pachulski Stang Ziehl & Jones LLP at wlobel@pszjlaw.com and Alan J. Friedman of Shulman Hodges & Bastian LLP at afriedman@shbllp.com; (3) served via personal delivery to chambers; and (4) served via personal delivery (electronic service is not permitted) to the United States Trustee. Failure to timely file and serve an objection may be deemed by the Court to be consent to the granting of the relief sought in the Motion.

PLEASE TAKE FURTHER NOTICE that any reply to opposition may be made orally at the Hearing.

¹ The title of the Motion filed as docket no. 507, had the incorrect title on the face-page. In order to alleviate any confusion, the Debtor intends to filean errata correcting the title of the Motion.

DOCS_LA:315772.1 10601/001

Page 12

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

650 Town Center Drive, Suite 1500, Costa Mesa, CA 92626

A true and correct copy of the foregoing document entitled <u>SUPPLEMENTAL NOTICE OF HEARING</u> <u>ON SHORTENED TIME ON MOTION TO STRIKE BEITLER CREDITORS' DECLARATIONS AND</u> <u>PORTIONS OF THEIR SUPPLEMENTAL OPPOSITION</u> will be served or was served (a) on the judge in chamber in the form and manner required by LBR 5005-2(d); and the manner stated below:

	d addressed as follows. Listing the journ in the journ of the focument after the document in the focument in t	ldge here constitutes a declaration that mailing to the judge <u>will</u> is filed.
		☐ Service information continued on attached page
F.R.Civ.P. 5 and/or personal delivery, o transmission and/or	controlling LBR, on <u>(see attached s</u> vernight mail service, or (for those w email as follows. Listing the judge h	MAIL, FACSIMILE TRANSMISSION OR EMAIL: Pursuant to ervice list), I served the following persons and/or entities by no consented in writing to such service method), by facsimile ere constitutes a declaration that personal delivery on, or an 24 hours after the document is filed.
		⊠ Service information continued on attached page
I declare under pen	alty of perjury under the laws of the l	Inited States that the foregoing is true and correct.
7/13/2018	Nancy Lockwood	/s/ Nancy Lockwood
Date	Printed Name	Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

June 2012

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

- Thomas H Casey kdriggers@tomcaseylaw.com, msilva@tomcaseylaw.com
- Alan J Friedman afriedman@shbllp.com, lgauthier@shbllp.com
- Daniel K Fujimoto wdk@wolffirm.com
- Beth Gaschen bgaschen@wgllp.com,

 kedala@wgllp.aarrayaaala@wgllp.com,

 kedala@wgllp.aarrayaaala@wgllp.com,

 kedala@wgllp.aarrayaaala@wgllp.com,

 kedala@wgllp.aarrayaaala@wgllp.com,

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 kedala@wgllp.aarrayaaala@wgllp.com,

 kedala@wgllp.aarrayaaala@wgllp.com,

 kedala@wgllp.aarrayaaala@wgllp.com,

 kedala@wgllp.com,

 ke
 - kadele@wgllp.com;vrosales@wgllp.com;cbmeeker@gmail.com;cyoshonis@wgllp.com
- Michael J Hauser michael.hauser@usdoj.gov
- Mark D Hurwitz mhurwitz@lsl-la.com, dsmall@lsl-la.com,kfinn@lsl-la.com
- Gary E Klausner gek@lnbyb.com
- William N Lobel wlobel@pszjlaw.com, nlockwood@pszjlaw.com;jokeefe@pszjlaw.com;banavim@pszjlaw.com
- Kathleen J McCarthy kdriggers@tomcaseylaw.com, msilva@tomcaseylaw.com
- William F McDonald Caecf@tblaw.com, wfm@tblaw.com;snchampney@tblaw.com
- Krikor J Meshefejian kjm@lnbrb.com
- Babak Samini saminicourtnotice@gmail.com, bsamini@saminilaw.com;nprado@saminilaw.com;lnavarro@saminilaw.com;swatts@saminilaw.com
- Edward G Schloss egs2@ix.netcom.com
- Valerie Smith claims@recoverycorp.com
- Daniel B Spitzer dspitzer@spitzeresq.com
- United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov
- Zann R Welch ecfnotices@ascensioncapitalgroup.com

2. SERVED BY OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL:

Via Personal Delivery on 7/16/2018:

The Honorable Scott C. Clarkson, United States Bankruptcy Court, Central District of California, Ronald Reagan Federal Building and Courthouse 411 West Fourth Street, Suite 5130 (courtesy bin) Santa Ana, CA 92701-4593

Via Email on 7/13/2018

Gary E. Klausner <u>GEK@Inbyb.com</u>
Krikor J. Meshefejian <u>KJM@Inbyb.com</u>
Tom Lallas <u>tlallas@Isl-la.com</u>
Mark D. Hurwitz <u>mhurwitz@isl-la.com</u>
Michael Hauser <u>michael.hauser@usdoj.gov</u>

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

650 Town Center Drive, Suite 1500, Costa Mesa, CA 92626

A true and correct copy of the foregoing document entitled <u>DECLARATION OF NANCY</u>
<u>LOCKWOOD REGARDING NOTICE OF HEARING ON SHORTENED TIME ON</u>
<u>MOTION TO STRIKE BEITLER CREDITORS' DECLARATIONS AND PORTIONS OF</u>
<u>THEIR SUPPLEMENTAL OPPOSITION</u> will be served or was served (a) on the judge in chamber in the form and manner required by LBR 5005-2(d); and the manner stated below:

		ELECTRONIC FILING (NEF): Pursuant to controlling General
7/17/2018, I checke	d the CM/ECF docket for this bankr	I by the court via NEF and hyperlink to the document. On (<i>date</i>) uptcy case or adversary proceeding and determined that the to receive NEF transmission at the email addresses stated below.
		⊠ Service information continued on attached page
On I adversary proceeding postage prepaid, ar	ng by placing a true and correct cop	entities at the last known addresses in this bankruptcy case or y thereof in a sealed envelope in the United States mail, first class judge here constitutes a declaration that mailing to the judge will t is filed.
		☐ Service information continued on attached page
F.R.Civ.P. 5 and/or overnight mail servi email as follows. Li	controlling LBR, on <u>7/17/2018</u> , I ser	F MAIL, FACSIMILE TRANSMISSION OR EMAIL : Pursuant to ved the following persons and/or entities by personal delivery, writing to such service method), by facsimile transmission and/or eclaration that personal delivery on, or overnight mail to, the judgement is filed.
		⊠ Service information continued on attached page
I declare under pen	alty of perjury under the laws of the	United States that the foregoing is true and correct.
7/17/2018	Nancy Lockwood	/s/ Nancy Lockwood
Date	Printed Name	Signature

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1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

- Thomas H Casey kdriggers@tomcaseylaw.com, msilva@tomcaseylaw.com
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- **Beth Gaschen** bgaschen@wgllp.com, kadele@wgllp.com;vrosales@wgllp.com;cbmeeker@gmail.com;cyoshonis@wgllp.com
- Michael J Hauser michael.hauser@usdoj.gov
- Mark D Hurwitz mhurwitz@lsl-la.com, dsmall@lsl-la.com,kfinn@lsl-la.com
- Gary E Klausner gek@lnbyb.com
- William N Lobel wlobel@pszjlaw.com, nlockwood@pszjlaw.com;jokeefe@pszjlaw.com;banavim@pszjlaw.com
- Kathleen J McCarthy kdriggers@tomcaseylaw.com, msilva@tomcaseylaw.com
- William F McDonald Caecf@tblaw.com, wfm@tblaw.com;snchampney@tblaw.com
- Krikor J Meshefejian kjm@lnbrb.com
- Babak Samini saminicourtnotice@gmail.com,
 bsamini@saminilaw.com;nprado@saminilaw.com;lnavarro@saminilaw.com;swatts@saminilaw.com
- Edward G Schloss egs2@ix.netcom.com
- Valerie Smith claims@recoverycorp.com
- Daniel B Spitzer dspitzer@spitzeresq.com
- United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov
- Zann R Welch ecfnotices@ascensioncapitalgroup.com

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Via Personal Delivery:

The Honorable Scott C. Clarkson, United States Bankruptcy Court, Central District of California, Ronald Reagan Federal Building and Courthouse 411 West Fourth Street, Suite 5130 (courtesy bin) Santa Ana, CA 92701-4593